

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2009-037902

05/12/2010

HONORABLE J. RICHARD GAMA

CLERK OF THE COURT  
R. Aguilera  
Deputy

TICOR TITLE INSURANCE COMPANY

JON R HULTGREN

v.

GREGORY L LONG, et al.

GREGORY L LONG  
41526 N LAUREL VALLEY WAY  
ANTHEM AZ 85086

KATHIE J GUMMERE  
PATSY J LONG  
41526 N LAUREL VALLEY WAY  
ANTHEM AZ 85086

RULING MINUTE ENTRY

The Court has received and reviewed Plaintiff's *Motion for Summary Judgment* against Defendants Gregory L. Long and Patsy J. Long.

Plaintiff has made a prima facie showing that it is entitled to judgment against these Defendants. Defendants have filed no responsive pleading. Defendants may not simply rest on the pleadings, but must show by competent evidence specific facts that create a genuine issue of fact for trial. A.R.C.P., Rule 56 [e] clearly provides that when a motion for summary judgment has been filed and appropriately supported, "...an adverse party may not rest upon the mere allegations or denials of the adverse party's pleading, but the adverse party's response, by affidavits...must set forth specific facts showing that there is a genuine issue for trial."

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Defendants have failed to do so. By failing to do so, Defendants have waived any procedural or evidentiary arguments or objections that could have been made in response to the motion.<sup>1</sup>

The Court having reviewed the motion does find that there is no genuine issue as to any material fact and further that the Plaintiff, the moving party, is entitled to judgment as a matter of law.

**IT IS ORDERED** granting Plaintiff's *Motion for Summary Judgment*, all as set forth in the formal written Order signed by the Court on May 12, 2010 and filed (entered) by the clerk on May 14, 2010.

**IT IS FURTHER ORDERED** vacating any hearing currently set in this matter.

**IT IS FURTHER ORDERED** that Plaintiff shall submit a proposed form of judgment in conformity with this Court's prior order and in conformity with A.R.C.P., Rule 58.

**IT IS FURTHER ORDERED** placing this case on the Inactive Calendar via separate minute entry this date.

**IT IS FURTHER ORDERED** signing this minute entry as a formal written Order of the Court this 18 day of May, 2010.

/ s / HONORABLE J. RICHARD GAMA

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JUDICIAL OFFICER OF THE SUPERIOR COURT

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>

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<sup>1</sup> Johnson by Johnson v. Svidergol, 157 Ariz. 333, 335 [App. 1988]; Kelly v. NationsBanc Mortgage Corp., 199 Ariz. 284, 287[Sup. 2000].